

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Dean Hiller et al.

Confirmation No.: 4526

Application No.: 09/728,107

Group Art Unit: 2466

Filing Date: November 30, 2000

Examiner: Bunjob Jaroenchonwanit

For: METHOD AND APPARATUS FOR USER-SPECIFIC WEBSITE CLAIMING

## MS ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## REMARKS AFTER ALLOWANCE

Notice Regarding Possible Error in Calculation of Patent Term Adjustment

In response to the "Determination of Patent Term Adjustment" provided with the "Notice of Allowance" dated October 23, 2012, in the above application, Applicants submit the present letter of notice regarding the patent term adjustment calculation.

In compliance with the practitioner's duty of candor and good faith, Applicants hereby submit a possible error on the part of the U.S. Patent and Trademark Office. Applicants believe the patent term adjustment of 1764 days, as indicated on the "Determination of Patent Term Adjustment," may be incorrect.

MPEP § 2733 states, in part, "Where the correct patent term adjustment is thought to be less than indicated by the Office, an application for term adjustment under 37 CFR 1.705(b) need not be filed." *Accordingly, this notice should not be construed as a request for reconsideration of patent term adjustment.*

Notice Regarding Patent Term Adjustment in view of *Exelixis, Inc. v. Kappos*

Based on the recent decision in *Exelixis, Inc. v. Kappos*, No. 1:12cv96 (E.D. Va., 2012), Applicants believe that the patent issuing from this application may be entitled to more patent term adjustment than the Office has awarded.

As the Office has not yet implemented rules for calculating patent term adjustment that follow the *Exelixis* decision, Applicants request that this communication be recorded in the application's file history to preserve the issue pending the Office's implementation of these rules.

Drawings

Drawings were initially submitted in the instant application on November 30, 2000. Applicants submitted replacement drawings on March 26, 2001, as required by the Notice to File Missing Parts. In the action mailed March 15, 2004, the Examiner accepted the drawings filed on November 30, 2000, and made no mention of the replacement drawings. Applicants hereby request that the replacement drawings, filed March 26, 2001, be published in the issued patent.

The Commissioner is hereby authorized to charge any payment of fees associated with this communication or credit any overpayment, now and during the pendency of this application, to Deposit Account No. 23-3050.

Date: January 16, 2013

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